



VAN BUREN COUNTY DRAIN COMMISSIONER

JOE PARMAN, Drain Commissioner PETER VANDOP, PE, Engineer/Chief Deputy GEORGIA GENIS, Deputy Drain Commissioner RANDY COUNTERMAN, SESC & Drain Maint. Supervisor

Explanation of Drain Code Procedure: **Meeting to Determine Practicability for Intercounty Drains**

This meeting is convened in response to a petition from 69 freeholders, which was received by the Van Buren County Drain Commissioner. This petition requests to maintaining and improving the Van Cass Intercounty Drain, located in Van Buren and Cass Counties, under the provisions of Section 192 of Act. No. 40 of the Public Acts of 1956, as amended.

The petition is an assertion of drainage issues and a request for the drainage board to consider relief to those alleged drainage issues. Under the Drain Code the intercounty drainage board is required to hold this public meeting to determine that the petition is sufficient to grant them jurisdiction to proceed, to receive testimony from persons and affected local units of government with regards to drainage issues, and to determine if it is practical to proceed to the next step of retaining an engineer or surveyor to design one or more solutions for the drainage issues.

The decision to determine practicability is the judgment of the drainage board by a majority vote of its members. Practicability can be generally described as the determination of whether the petition is properly worded to grant the Drainage Board authority to respond to the problems brought forth in the petition and public testimony, and that the desired improvements are possible to complete. One of the two following decisions will be made by the drainage board at this meeting:

If determined practicable: The drainage board must employ a professional engineer or surveyor to survey the drain and develop one or more plans, with cost estimates, to accomplish the improvements requested. Following the engineer's report, a second public meeting will be convened to determine the necessity of a project. Proposed solutions and project costs are presented at that meeting. Testimony is received on the necessity of a project. A decision will be made, again by majority vote of the drainage board members, to proceed to construct the project or end it. The necessity decision may be appealed to the circuit court of the county you reside in within 10 days of that meeting. There is no appeal of the decision on practicability.

If determined NOT practicable: The procedure terminates, no appeals by statute are permitted. A new petition may be resubmitted.

Cost Information: There is no cost information available at this meeting. If determined practicable, overall project cost estimates will be presented at a future meeting to determine necessity, for which you will receive notice. If a decision is made at that meeting to proceed with a project, individual costs via special assessments will be made at an additional future meeting, called the day of review of apportionments, which will be held by your drain commissioner, for which you will also receive notice. At that time, construction bids will have been received and the actual cost of the construction is known, as well as costs for engineering, legal counsel, land acquisition and financing. The special assessments determined by the commissioner at the day of review may be appealed to probate court for establishment of a board of review. In addition to private landowners, public corporations (townships, cities, and villages) are assessed for benefits to public health, the counties are assessed at-large for benefits to county roads and the Michigan Department of Transportation for benefits to any state trunkline highways.